

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GRANT STREET GROUP, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 9-1407
)	
REALAUCTION.COM, LLC,)	
)	
Defendant.)	

AMBROSE, Senior District Judge

MEMORANDUM ORDER OF COURT

On June 21, 2011, the Special Master ruled upon Defendant's Motion to Modify One Construction From The *Markman* Ruling In Light Of The Different Construction Plaintiff Obtained During Reexamination and Motion For Partial Summary Judgment Of Noninfringement (ECF No. 183). (ECF No. 203).¹ Therein, the Special Master denied Defendant's proposed construction but did revise the claim construction for phrase #4, "providing a centralized time indication," to be construed as "providing a centralized time indication with respect to current official auction clock time." *Id.* at 11. The Special Master also denied, as premature, Defendant's Motion for Partial Summary Judgment of Noninfringement. *Id.* at p. 12.

The parties were permitted to object. (Docket No. 48). On June 25, 2011, Defendant filed Objections. (ECF No. 204). Plaintiff filed a response thereto. (ECF No. 205).

After a review of the same, I find that the Report and Recommendation of the Special Master (ECF No. 203) should be adopted by this court.

THEREFORE, this 6th day of July, 2011, it is ordered that the Report and Recommendations of the Special Master set forth at ECF No. [203] is hereby adopted as the opinion of this Court. Defendant's Motion to Modify One Construction From The *Markman* Ruling In Light Of The Different Construction Plaintiff Obtained During Reexamination (ECF No. [183]) is denied, but the

¹ The Special Master refiled an unsealed version of his R&R at ECF No. 206.

construction is revised as set for in the R&R at ECF No. [203] and Defendant's Motion for Partial Summary Judgment of Noninfringement (ECF No. [183]) is denied, as premature, as set forth in the R&R at ECF No. [203].

It is further ordered that rather than refiling the entirety of the Motion for Partial Summary Judgment, said Motion is referred back to the Special Master for disposition and Defendant is granted until July 18, 2011, to file a Reply Brief.

BY THE COURT:

/s/ Donetta W. Ambrose

Donetta W. Ambrose
Senior U.S. District Judge